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Glenn D. Kirwin

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,651

Applicant(s)

KIRWIN ET AL.

Examiner

Charles Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8-15, 17, 19-22, 24, 26-32 and 37-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-15, 17, 19-22, 24, 26-32 and 37-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-8, 10-11, 13-20, 22-26, 28-29, 31-32, 37-38, 40-42, 44-45, 47-49, 50-52, 54, 56, 58-59, and 61-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,014,643 *Minton* in view of EP 0 665 489 A2 *Robertson et al* and further in view of US 7,006,991 *Keiser et al*.

**As to Claim 1**, *Minton* discloses the invention substantially as claimed, including in a method comprising steps of:

receiving a trading command to trade at least one item via a first interface, the first interface displaying at least one of a bid variable and an offer variable associated with trading the item, each of the variables selectable for submitting the trading command (Figs. 6 and 7; Col. 10, line 54 to Col. 12, line 20);

receiving a selection from the trader to confirm the submission via the interactive trading interface (Col. 12, lines 39-49; Col. 10, line 54 to Col. 11, line 51, particularly Col. 11, lines 48-51; Fig. 6, ele. 606; see also comparable references to Fig. 7); and

positioning a pointing device pointer (Col. 6, lines 1-9; Fig 2.) over a button in the interactive trading interface corresponding to submission (Col. 11, lines 48-51);

submitting the submission in response to the selection by the trader (Col. 11, lines 48-51).

*Minton* does not specifically disclose automatic repositioning of the pointing device pointer over a button. *Robertson* discloses this feature at Abstract and Col. 1, line 35 to Col. 2, line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the trading method of *Minton* with the addition of the automatic positioning feature of *Robertson* because this would have avoided additional manipulation of the pointing device. This advantage is specifically disclosed by *Robertson* at Col. 9, lines 53-57 and quoted below:

*The system improves the efficiency of operation and enhances the functionality of cursor movement by positioning the cursor at a location that permits the user to perform additional functions without additional manipulation of the cursor control device 18.*

*Minton* does not specifically disclose Applicant's newly claimed limitation whereby a second interface is used to submit and confirm the buy command. *Tuck* discloses this limitation at Fig. 22 and Col. 10, lines 28-52. It would have been obvious to one of ordinary skill in that art at the time of the invention to modify *Minton* with this limitation of *Tuck* because this would provide a distinct and attention-getting interface for trade confirmation.

**Concerning Claim 2,** *Minton* further discloses displaying current bid and offer data in the trading command entry interface at Fig. 4. At Fig. 6, elements 620, 622 and 624 and Fig. 7, elements 720, 722 and 724, *Minton* discloses pieces of bid and offer data via the trading; these are received *via* the trading command entry interface in the sense that Figs. 6 and 7 are reached *via* Fig. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a selection of a piece of bid and offer data as a submission of an order

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because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

**As to Claim 4**, *Minton* discloses bids/limit orders; these are specifically disclosed at Fig. 6, element 622. Submitting a bid as selection of this field would have been obvious because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

**With respect to Claims 6**, see the discussion of Claim 4 and note that *Minton* discloses buy and sell commands as market orders at Col. 9, lines 31-36.

**Concerning Claim 8**, see the discussion of Claim 2 and note that *Minton* discloses the elements of a market cell at Fig. 4.

**With respect to Claims 10 and 11**, *Minton* discloses data and entry windows as Fig. 4. For entry features see Fig. 4, elements 418 and 426.

**With respect to Claim 13**, *Minton* discloses the use of a keyboard at Col. 3, line 65 to Col. 4, line 29. Further, Official Notice is taken that it was old and well known to use a command line interface for trading at the time of the invention. For example, prior to graphical user interfaces, command lines were the only screen interface available. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a command line interface in *Minton* because this would provide a familiar and quick means for trading command entry.

**Concerning Claim 14**, *Minton* discloses use of a pointing device for submission of at least a buy command at Fig. 4, ele. 418.

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**As to Claims 15 and 17,** *Minton* discloses the buttons recited as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically reposition a device pointer as disclosed by *Robertson* so as to allow for immediate selection of the button without requiring device movement.

**As to Claim 19,** see the discussion of Claim 1 above. *Minton* further discloses first and second trading interfaces at Figs. 4, 6 and 7 and related text. See also *Robertson* at Abstract, where first and second interfaces are disclosed.

Applicants have amended the Claim to recite price field, size field and posting in fields based on selection in the first interface. *Tuck* discloses a price field, "\$/MWh" and a size field, "MWh" (Figs. 21 and 22) and posting from a first interface (Fig. 21) to a second interface (Fig. 22) based on selection in the first interface. See Col. 14, lines 17-62. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* to include the posting and confirmation of size and price fields in a secondary interface, per *Tuck* because this would conveniently mirror data entered by a trader by automatically posting such data and require a positive action by a trader to execute the trade, i.e., actively confirming the trade.

**Concerning Claims 20, 22, 24 and 26,** see the discussions of Claim 19 and comparable Claims above.

**As to Claim 28-29,** see the discussion of Claim 19 and Claims 10-11.

**Concerning Claims 31-32,** see the discussions of Claim 19 and Claims 13-14.

**As to Claims 37-38,** see the discussion of Claims 1 and 2 and note that *Minton* discloses offer/sell aspects comparable to the bid/buy aspects discussed above. See Col. 9, lines 25-30;

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“Sell” command, Fig. 4, ele. 422. Note that *Tuck* specifically discloses posting, as per the discussion of Claim 37.

**With respect to Claims 40-42**, see the discussion of Claim 38 and Claims 4, 6 and 8.

**With respect to Claims 44-45**, see the discussion of Claim 38 and Claims 10-11.

**With respect to Claims 47-49**, see the discussion of Claim 38 and 37 and Claims 13-15.

**With respect to Claim 50**, see the discussion of Claim 37 and Claim 17.

**With respect to Claims 51-52**, see the discussion of Claim 19 and Claim 20.

**With respect to Claims 54**, see the discussion of Claim 51 and Claim 22.

**With respect to Claim 56**, see the discussion of Claim 52 and Claim 26.

**With respect to Claims 58-59**, see the discussion of Claim 52 and Claims 28-29.

**With respect to Claims 61-62**, see the discussion of Claim 51 and Claims 31-32.

**As to Claims 63, and 65-67**, see the discussion of Claims 4 and 19.

**With respect to Claims 64 and 71**, “best bid” prices were known as market orders at the time of the invention and would be an obvious way to trade without respect to price.

**With respect to Claim 68-69**, see the discussion of Claims 1-2.

**With respect to Claim 70**, see the discussion of Claims 69 and 19.

**With respect to Claims 72-74**, see the discussion of Claims 69 and 19.

**Claims 3, 21, 39 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of US 6,247,000 *Hawkins et al* and further in view of US 6,809,741 *Bates et al*.

**With respect to Claim 3**, see the discussion of Claim 2. *Minton* does not specifically changing color fields when a pointer passes over a variable. *Bates* discloses this limitation at Col. 19, lines 27-36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* with the coloring of trading information of *Bates* because draw a trader's attention to the field to assure correctness

**Concerning Claim 21, 39 and 53**, see the discussion of Claim 3 and the respective Claims from which each Claim depends.

**Claims 9, 12, 27, 30, 43, 46, 57 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of *Harrington et al*.

**With respect to Claim 9**, see the discussions set forth above. *Minton* does not specifically disclose bid and offer data in the form of a spreadsheet. *Harrington* discloses this feature for securities trading at Col. 9, lines 4-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the spreadsheet presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an inexpensive and flexible way to present such data.

**Concerning Claim 12**, see the discussion of Claim 9 and *Harrington* further discloses use of web pages at Col. 6, lines 37-65 and Fig. 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the web page presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an widely accessible way to present such data.



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**As to Claims 27, 30, 43, 46, 57 and 60** see the discussion of the claim from which each depends and the discussion of Claims 9 and 12 above.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
September 5, 2006

**Primary Examiner  
Charles Kyle  
AU 3624**

